

BOARD OF NURSING MINUTES

November 4, 2004

- PRESENT:** Jacqueline Johnsrud, Marilyn Kaufmann, Blaine Ropson, Terrie Garcia, Peg Heine, and Kathleen Sullivan
- EXCUSED:** June Bahr, Marie Kohlbeck
- STAFF PRESENT:** Kimberly Nania, Ph.D., Director of Health Service Professions; Colleen Baird, Legal Counsel; Gina York, Bureau Assistant, DOE and other staff
- GUESTS:** Roger J. Frankowski, MSOE; Debra Jenks, MSOE; Mary Kelly Powell, WACSN
Judith Warmuth, WHA

CALL TO ORDER

Jacqueline Johnsrud, Chair, called the meeting to order at 9:02 a.m. A quorum of six members was present.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: After Stipulations After Mailing of Agenda – Add Cynthia L. Wierichs, R.N.; Teresa Medina, RN; Mary Kacaba, RN
- Open Session: Add under Administrative Report – 2005 Meeting Dates
- Closed Session: After Deliberation of Stipulations After Mailing of Agenda – Add names: Cynthia L. Wierichs, R.N.; Teresa Medina, RN; Mary Kacaba, RN
- Closed Session: After Deliberation of Monitoring Received After Mailing of Agenda- Add names: Elizabeth Hadlich, Ellen Laluzerne, and more information regarding Richard Romer.
- Closed Session: Under Deliberation of Proposed Final Decision and Order Against Cynthia Knotek – Add Additional material for Cynthia Knotek.
- Closed Session: Remove Agenda Item R. Deliberation of Proposed Final Decision and Order for Disciplinary Proceedings Against – Lynn M. Klemmer, Carol J. Kujawa, Brenda Kurtti, Respondents (LS 0402092 NUR)

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 16, 2004

Additions to the Agenda:

- Page 5: Under Practice Committee Report Telephone Triage – Motion from Board replace “Education and Licensure” with “Practice”

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to approve the minutes of September 16, 2004 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Director of Health Service Professions, informed the Board that Secretary Strong Hill has resigned and her last day was October 22, 2004. Deputy Secretary, Sandra Rowe, will be acting Secretary until the position is filled. Dr. Nania has been appointed as the new Division Administrator for Board Services.

Kimberly Nania welcomed new board members Terrie Garcia and Peg Heine and each shared information about themselves with the Board. The building renovations are still in progress. The bids came back higher than expected so there will be a delay in the remodeling process and the moving of staff to the other part of the building. The Board membership roster was circulated at today’s meeting and there were no changes indicated for revision.

DRL will have more budget cuts this year and the Department will once again look at ways to be more efficient. Therefore, the Department has made a change in the publishing of Codebooks. Individuals can now obtain codebooks in the following ways 1) through the DRL Website, 2) purchase a hard copy from Document Sales Office, or 3) purchase a CD of the codebook through Document Sales. The costs will be based on the size and format being requested. A paper hard copy of the codebook will range from \$ 15.00 - \$ 25.00 and a CD will cost about \$6.50. Since the Department will not be formatting the codebooks any longer, the codebooks will be twice as big as in the past. The address for the Website is as follows: <http://drl.wi.gov>

2005 MEETING DATES

The Board reviewed and discussed the 2005 meeting dates and took the following action.

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to approve the 2005 meeting dates as provided to the Board at today’s meeting. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS AND THOSE RECEIVED AFTER THE MAILING OF THE AGENDA

There were eight stipulations before the Board at today's meeting regarding James A. Hefter, RN (03 NUR 233); Susan L. Kjelland, RN (99 NUR 317 and 03 NUR 002); Joyce A. Moran, RN (03 NUR 040); Kristin M. Waite, RN (04 NUR 219); Amy L. Krahn (Chamberlain), LPN (03 NUR 208); Cindy L. Wierichs, R.N. (04 NUR 156); Teresa Medina, RN; and Mary Kucaba, RN. Deliberation on these stipulations will occur in closed session later in this meeting.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board reviewed the summary reports with Colleen Baird, Legal Counsel, at today's meeting. A copy of the Emergency Rule for Criminal Background Investigations of Applicants was shared with all Board members.

INFORMATIONAL ITEMS

The Board noted the NCSBN Memorandum Regarding NCLEX at today's meeting.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Marilyn Kaufmann reported that Roger Frankowski, Vice President of Academics and Dr. Debra Jenks, Interim Chair of Nursing, from the Milwaukee School Of Engineering presented information before the Committee regarding the qualifications of their Interim Chair of Nursing at their school. After some discussion, the Committee took the following action.

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann, to recommend approval and grant a one-year exception to the educational administrator qualifications, given this individual's qualifications, mentoring and support provided. Motion carried unanimously.

Board's Action

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to accept all recommendations of the Education and Licensing Committee regarding approval to grant a one-year exception to the educational administrator qualifications, given the individual's qualifications, mentoring and support provided. Motion carried unanimously.

The Committee received a revised copy of the booklet "Guidelines for Nursing Administrators" from Dr. Barbara Showers. The Committee will recommend to the full Board to send this booklet out to all schools.

Board's Action

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to distribute the Guidelines for Nursing Administrators to all schools. Opposed-6 Abstained-0. Motion failed.

The Committee discussed areas that the Practice Committee may want to considered doing position papers such as the nurses role in cosmetic related procedures.

The Board accepted the Education and Licensure Committee report as given at today's meeting.

REPORT OF PRACTICE COMMITTEE

**DISCUSSION REGARDING POSITION PAPERS TO BE REVISED
OR DEVELOPED**

Blaine Ropson distributed a copy of the "Position Statement Regarding Nurses Practicing at a Level Below that of their Licensure" and asked all members of the Committee to review and provide input to him for recommended revisions to this document. Once he has received input from the members he will prepare a revised draft for the Committee to review.

The Committee discussed future position papers to be developed and recommendations from the Education and Licensure Committee. The Committee will begin to work on a position paper regarding Botox and the Nurses Role in Cosmetic Procedures. This is a trend in the field of nursing and there has been a significant rise in practice questions surrounding this issue.

The Committee will begin reviewing and working on practice question manuals once they have completed revising and developing all position papers.

The Committee reviewed the information provide from Florida regarding whether Wisconsin would consider other groups besides CGFNS in compact states. After some discussion the Committee recommended to stay with CGFNS and to wait for NCSBN to decide whether to accept something other than CGFNS. This recommendation will be forwarded to the full Board for consideration.

Board's Action

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to only accept CGFNS as the only program at this time. Motion carried unanimously.

The Board accepted the Practice Committee report as given at today's meeting.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Colleen Baird, Legal Counsel, throughout the meeting as needed.

VISITOR COMMENTS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85 (1)(a)(b)(f) and (g) for the purpose of application reviews, request for stays of suspensions, request for full licensure, request for reinstatement for stay of suspension, IPP reviews, approval of refresher courses, request for extension of time to pay costs, deliberation of proposed stipulations, deliberation of proposed administrative warning, deliberation of order fixing costs, deliberation of proposed decision in the matter of disciplinary proceedings, meeting with the Division of Enforcement and consulting with Legal Counsel. Motion carried by roll call vote: Jacqueline Johnsrud-yes; Marilyn Kaufmann-yes; Terrie Garcia-yes; Peg Heine-yes; Blaine Ropson-yes; and Kathleen Sullivan-yes. Motion carried unanimously.

Open session adjourned at 9:54 a.m.

RECONVENE TO OPEN SESSION

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to reconvene to open session At 2:50 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan to approve all decisions made in closed session. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROGRAM (IPP)

IPP CASE # 454

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant dismissal of Case #454 from the IPP Program due to successful completion of program. Motion carried unanimously.

IPP CASE # 498

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant dismissal of Case #498 from the IPP Program due to successful completion of program. Motion carried unanimously.

APPEARANCES BEFORE THE BOARD

IPP CASE # 515

MOTION: Marilyn Kaufmann moved, seconded by Terrie Garcia, to reaffirm the decision of denial for admission to the IPP Program. Motion carried unanimously.

MONITORING

REQUESTS FOR FULL REINSTATEMENT OF LICENSURE

JANE LACIVITA CLEMENTE

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant full licensure to Jane LaCivita Clemente. Motion carried unanimously.

LORI CUENE

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to deny the request for full licensure, but grant a three-month stay to Lori Cuene with the only modification to terminate therapy, with no changes in other requirements. Motion carried unanimously.

REQUESTS FOR THREE MONTH STAYS AND MODIFICATIONS

BARBARA BENOIT

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant a three-month stay to Barbara Benoit with the modification to discontinue therapy, with no changes in other requirements. Motion carried unanimously.

MARY KRAMER

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to grant a three-month stay to Mary Kramer with no change in modifications, to approve her new worksite, to require her to sign up within 60 days with First Lab, and she should continue with her urine screens until the transition is completed with First Lab. Reason for Denial: Based on all information presented to the Board. Motion carried unanimously.

MARK LEROUX

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to deny a three-month stay to Mark Leroux, resulting in an immediate suspension of licensure due to unsatisfactory work reports and no change in modifications. Motion carried unanimously.

RICHARD ROMER

MOTION: Terrie Garcia moved, seconded by Peg Heine, to deny a three-month stay to Richard Romer, and deny his request to reduce therapy. Reason for Denial: Violation of the Board Order. Motion carried unanimously.

ELIZABETH HADLICH

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to deny a three-month stay to Elizabeth Hadlich, resulting in an immediate suspension of licensure. Ms. Hadlich is required to have six months of compliance before she can petition the Board. Reason for Denial: Numerous Violations of the Board Order, Motion carried unanimously.

ELLEN LALUZERNE

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant a three-month stay to Ellen Laluzerne, with the modification to terminate therapy. Motion carried unanimously.

STIPULATIONS

JAMES A. HEFTER, RN

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of James A. Hefter, RN. Motion carried unanimously.

SUSAN L. KJELLAND, RN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Susan L. Kjelland, RN. Motion carried unanimously.

JOYCE A. MORAN, RN

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Joyce A. Moran, RN. Motion carried unanimously.

KRISTIN M. WAITE, RN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Kristin M. Waite, RN. Motion carried unanimously.

AMY L. KRAHN (CHAMBERLAIN), LPN

MOTION: Kathleen Sullivan moved, seconded by Peg Heine, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Amy L. Krahn (Chamberlain), LPN. Motion carried unanimously.

CINDY L. WIERICHS, R.N.

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Cindy L. Wierichs, RN. Motion carried unanimously.

TERESA MEDINA, RN

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Teresa Medina, RN. Abstained - Marilyn Kaufmann. Motion carried.

MARY KUCABA, RN

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Mary Kucaba, RN. Motion carried unanimously.

FINAL DECISIONS AND ORDERS FOR DISCIPLINARY PROCEEDINGS

CYNTHIA L. KNOTEK, R.N.

MOTION: Kathleen Sullivan moved, seconded by Blaine Ropson, to issue a variance opinion in the matter of disciplinary proceedings against Cynthia Knotek, RN and that the variance be consistent with the objections submitted by DOE. Motion carried unanimously.

**RESPONDENTS LYNN M. KLEMMER, CAROL J. KUJAWA,
BRENDA KURTTI, (LS 0402092 NUR)**

This agenda item was removed from today's meeting agenda by the request of Attorney Jeanette Lytle.

**APPEALING COSTS REGARDING MARY L. MORMANN, CHRISTINE A. SCHUMACHER,
AND SUZANNE M. HIGGINS**

Noted. This agenda item was informational only.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS RECEIVED
AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER
MAILING OF AGENDA**

None.

DIVISION OF ENFORCEMENT & CASE STATUS REPORT

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to close case **04 NUR 144** for no jurisdiction. Motion carried unanimously.

MOTION: Blaine Ropson moved, seconded by Kathleen Sullivan, to close case **03 NUR 063** for prosecutorial discretion with a FLAG to Hold licensure. Motion carried unanimously.

MOTION: Blaine Ropson moved, seconded by Terrie Garcia, to close case **01 NUR 069** for no violation. Motion carried unanimously.

MOTION: Marilyn Kaufmann moved, seconded by Peg Heine, to not close case **01 NUR 329** and postpone to December meeting. Motion carried unanimously.

MOTION: Kathleen Sullivan moved, seconded by Blaine Ropson, to close case **03 NUR 284** for no violation. Motion carried unanimously.

MOTION: Blaine Ropson moved, seconded by Peg Heine, to not close case **03 NUR 192** due to concerns over diagnosis of alcohol abuse. Motion carried unanimously.

MOTION: Blaine Ropson moved, seconded by Peg Heine, to not close case **03 NUR 250** due to concerns over diagnosis of alcohol abuse. Motion carried unanimously.

OTHER BOARD BUSINESS

DISCUSSION REGARDING LANGUAGE FOR BOARD ORDERS

The Board requested to have a discussion with Eric Callisto, DOE Administrator; Michael Berndt, DOE Supervisor; and Arthur Thexton, DOE Attorney, regarding the language used in BON Board Orders. The Board shared specific language they want to have included in all of their Board Orders such as: 1) Supervision should be Direct Supervision, 2) Work Reports should be deemed acceptable by the Board, 3) Order written so violations during a 3-month Stay, can be dealt with and able to take action without waiting until next stay is due, and 4) Consistency of content for all Board Orders.

Mr. Callisto agreed to provide a draft of the new board orders to the Board for the December 9, 2004 meeting and will include the requested language as indicated by the Board.

ASSIGNMENT OF MEMBERS TO COMMITTEES

The following changes were made to the Board's Committees due to the appointment of two new Board members. Terrie Garcia has been assigned to the Education and Licensure Committee. Peg Heine has been assigned to the Practice Committee to take June Bahr's place.

ADJOURNMENT

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adjourn the meeting at 3:04 p.m. Motion carried unanimously.